

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIMEKA BURGETTE and BIANCA
BURGETTE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLOTTE BURGETTE,

Respondent-Appellant,

and

DAVID BURGETTE, NORMAN DEMOTT, and
JOHN DOE,

Respondents.

Before: White, P.J., and Hood and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the juvenile court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178 (598.19b)(c)(i) and (g). We affirm.

The juvenile court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

A review of the record shows that the conditions that led to the adjudication continued to exist, and there was no reasonable likelihood that the conditions would be rectified within a reasonable time

considering the age of the children. MCL 712A.19b(3)(c)(1); MSA 27.3178(598.19b)(c)(i). Specifically, there was no likelihood that respondent's alcohol and other drug abuse problems, which led to the original adjudication, would be rectified within a reasonable time. She never satisfied the court's order to enter a substance abuse treatment program and follow all after care recommendations, and had a number of relapses until a few months before the termination hearing. Even at the best interest hearing, after the trial court had already found the statutory grounds for termination, respondent admitted she was still using alcohol.

Respondent's inability to maintain alcohol and other drug free existence also supported the trial court's finding that she failed to provide proper care and custody of her children. MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(g).

Respondent-appellant has also failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent-appellant's parental rights. *Id.*

Affirmed.

/s/ Helene N. White

/s/ Harold Hood

/s/ Hilda R. Gage